

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on  
the twenty-seventh day of February, in the year two thousand and eight:  
present,

HON. MARGARET H. MARSHALL	)	
	)	
HON. JOHN M. GREANEY	)	
	)	
HON. RODERICK L. IRELAND	)	
	)	
HON. FRANCIS X. SPINA	)	Justices
	)	
HON. JUDITH A. COWIN	)	
	)	
HON. ROBERT J. CORDY	)	
	)	
HON. MARGOT BOTSFORD	)	

ORDERED: That the Massachusetts Rules of Civil Procedure adopted by order dated  
July 13, 1973, as amended, to take effect on July 1, 1974, are hereby amended as follows:

Rule 26:

By inserting the new Rule 26(b)(5) attached  
hereto.

The amendment accomplished by this order shall take effect on April 1, 2008.

<u>MARGARET H. MARSHALL</u>	)	
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	)	
<u>JOHN M. GREANEY</u>	)	
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	)	
<u>RODERICK L. IRELAND</u>	)	
	)	
	)	
<u>FRANCIS X. SPINA</u>	)	
	)	Justices
	)	
<u>JUDITH A. COWIN</u>	)	
	)	
	)	
<u>ROBERT J. CORDY</u>	)	
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<u>MARGOT BOTSFORD</u>	)	

# **MASSACHUSETTS RULES OF CIVIL PROCEDURE**

## **RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY**

(b)(5) *Claims of Privilege or Protection of Trial Preparation Materials: Privilege Log.* When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as material prepared in anticipation of litigation or for trial, the party shall make the claim expressly and, without revealing information that is privileged or protected, shall prepare a privilege log containing the following information: the respective author(s) and sender(s) if different; the recipient(s); the date and type of document, written communication or thing not produced; and in general terms, the subject matter of the withheld information. By written agreement of the party seeking the withheld information and the party holding the information or by court order, a privilege log need not be prepared or may be limited to certain documents, written communications, or things.